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Supreme Court, U.S.
FILED
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Docket No: 00-1211

In The
SUPREME COURT OF THE UNITED STATES
October Term 1999

CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

V.

WALT DISNEY CONCERT HALL NO. 1 et. al.
Respondents,

On Petition for Writ of Certiorari
To The U.S. COURT of APPEALS for THE NINTH CIRCUIT
Docket No. 99-15702
[Related Cases Docket No. 00 -70779 & 99 15135]

PETITIONER'S REPLY BRIEF TO BRIEF IN OPPOSITION TO: SUPPLEMENT PETITION FOR WRIT OF CERTIORARI

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14 pp

QUESTIONS PRESENTED:

1. Should Respondent's Brief in Opposition, be considered when it does not conform to Rule 33.1 ?

2. Is it not true that, Petitioner's Supplement is permitted pursuant to ?

> *" When two or more judgments are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for writ of certiorari covering all the judgment suffices."* Rule 12 (4).

3. Did not Petition clearly state that, the matters now pending for consolidation, through the Supplement, are identical or closely Related ?

4. Is the untrue Question Presented by Opposing Respondents, just a transparent obfuscation of RICO - Civil Rights violations, by Conspirators attempting to avoid accountability ?

5. Isn't it a fact that, the Constitutional questions in Petition are of National Significance, since the Court decided Bush v. Gore, without a hand count of all the votes in Florida ?

6. Isn't it unthinkable to allow Coconspirators, who are subject to the ***Unclean Hands Doctrine,*** to to represent, advocate and/ or pass judgment on their own Coconspirators at Gibson Dunn & Crutcher, in the matters laid here, before the Court ?

7. Isn't it the Constitutional, issue of National Importance of how far, is too far, in due process, to depend on opinions - from asserted Coconspirator Antonin Scalia, and/or his colleagues who De facto elected Bush, by reason of political bias - without his & their recusal from deliberations in this Petition ?

8. Is it not the best solution, to remand these untried matters forthwith, for jury trial, in the unbiased Court of the Hon. Jeremy Fogel, or in the alternative, Order payment of full satisfaction of damages for injury caused Petitioner by Respondents and other RICO - CIVIL RIGHTS Coconspirators ?

PARTIES TO THE PROCEEDINGS:

All parties to the proceedings, including Arthur B. Cook, and his firm Hill, Farrer & Burrill, now purportedly representing, Gibson Dunn & Crutcher, including Respondents in Opposition Brief, are Coconspirators to RICO - Civil Rights - Antitrust - Securities Fraud - Common Law Fraud violations, identified in the Supplement to the Petition., Case No. C 00 20962. Petitioner, under the California Doctrine of Private Attorney General, is proceeding Pro Se, by reason of the fact that, all lawyers he approached to represent him, refused on the basis of conflicts of interest within the "Fraternity of Lawyers".

Opposition Brief of Respondent's misinforms the Court about Matter No. 3, U.S.C.A. Docket No. 00-70779. It is a Writ of Mandamus to Recuse and/or Disqualify, Coconspirator, Ronald M. Whyte.

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TABLE OF AUTHORITIES:

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Cases:

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Board of License Comm'rs of Tiverton v. Pastore, 469 U.S. 238 (1985) 8
Fusari v. Steinberg, 419 U.S. 379. 391 (1975)..8

Doctrines:

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Statement of Jurisdiction, in Reply:

It has been established that, the Court has Jurisdiction to hear this Petition. The Court has Jurisdiction, under it's Rules 12.4 and 15.8, to hear Petitioner's Supplement. The Court has Jurisdiction to here this Reply Brief, under Rule 15.6.

Also, this Court has jurisdiction, under Rule 16. 1, to grant *"summary disposition on the merits."* Petitioner's suggestion in that regard is - to simply consolidate the matters in Supplement with the subject matter in Petition, on the merits presented and remand all matters down to the trial Court of the Hon. Jeremy Fogel, for statutorily mandated jury trial, [1/] or full satisfaction of damages to be paid Petitioner, by Coconspirators directly responsible for injuries caused.

Statement of the Case, in Reply:

Coconspirator, Arthur B. Cook and his law firm, Hill, Farrer & Burrill, are attempting to avoid accountability, for themselves, Whyte, Gibson Dunn & Crutcher and their other clients, by their erroneous and transparent Brief in Opposition, filed:

(a). in violation of Rule 33.1;

(b). maliciously misinterpreting the Rules, by falsely claiming Rule 15.8 solely governs Petitioner's Supplement, when it is known to behemoth law firms that, Rule 12.4 allowed the Supplement to be filed;

(c). with premeditated malice, shown here to be merit less and another example of ***Unclean Hands***.

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1 / see pg. 19 of Appellant's/ Petitioner' s Opening Brief, Docket No. 00 -15135 - Whyte, had no choice but to make certain this RICO/Civil Rights case went to a jury, under Federal Civil Rights Act, Title 42 USC Sect .1983 damage claims are jury triable. The statute specifically provides for an *"action at law"* or a *"suit in equity"*. - Del Monte Dunes at Monterey Ltd. v. City of Monterey (9th. Cir. 1996) 95 F. 3d 1422,1427.

Respondent's Statement of the Case is indeed a Misstatement of Facts:

Facts are not facts, just because a Coconspirator attorney claims they are. The true Statement of the Case, and the true facts, follow:

1. The subject Action arose out of a scheme by which Petitioner was defrauded of $156,377,480.00, more than ninety nine (99%+) of his total assets, starting with false representations by his own attorney's, Latham &Watkins.

2. Since then, a series of complex scheme's and agreement's, between Coconspirator's acting as a RICO *Unit,* caused Petitioner to be deprived of his Civil Rights, to due process, in Conspiracy with Los Angeles & Monterey County employees and federal employees, acting under color of law, all of whom, with premeditated malice, prevented Petitioner's recovery of his $156 million investment.

3. Conspirators formed an association-in-fact for the purpose of defrauding Petitioner. The association-in-fact was a Racketeering *"ENTERPRISE,"* within the meaning of 18 USC Sect. 1962(c), described in the Complaint as the "Sharon D. Lund Enterprise."

4. All Coconspirator's, at relevant times, were "persons" within the meaning of RICO, 18 USC Sect's. 1961(3) & 1962 (a)(b)(c)(d). Also, these "persons" are sued, by reason of the fact that, each of them are individually members of a group of Conspirator's, who agreed among themselves to commit, in their individual capacity, and did in fact commit, in Conspiracy with the law firm of Gibson Dunn & Crutcher, violations of Petitioner's Constitutional rights.

5. All Defendant's named, **"conspired"** and became ***"Conspirators"***, in violation of RICO, 18 USC Sect. 1962((a)(b) (c)(d); CIVIL RIGHTS, 42 USC Sect. 1983, 1985 and 1986, to directly deprive Petitioner of his Civil Rights, to due process and equal privileges under the law, from his $156 million investment.

6. All of the ***Conspirators,*** misrepresented material facts, and some, perjured themselves, in furtherance of object of Conspiracy whereby, they

stuck together like adolescent boys in a fraternity. Petitioner was injured in his business & property, and deprived of: having and exercising his Constitutional right to ownership of his *significant property*, his *invested capital*; and guaranteed privileges of being a citizen of the United States. The Conspiracy was motivated by discriminatory based animus, against Petitioner, a refugee who fought his way out from Nazi occupied Poland, who is a Pro Se litigant, with a foreign name. Who, according to Coconspirator's political beliefs, is not to be allowed equal protection under law, to recover his $156 million investment, because he is not a member of their fraternity.

7. Coconspirator Respondent's submitted their Opposition Brief, for the illegitimate purpose of, again, depriving Petitioner, of due process to Certiorari review, equal protection of law, attempting to cheat him out of his rights.

8. Coconspirators attempt here, is the first test of extremely important National Significance. Shall the politically biased majority on the Supreme Court *"Neglect to Prevent"* deprivation of Petitioner's Civil Rights to due process, in violation of 42 USC Sect. 1985 and 1986, because he rose to challenge Antonin Scalia and the National Republican Committee of being involved in *racketeering activity*, with Gibson Dunn & Crutcher's asserted illegitimate result in the 2000 Presidential Election, in case No. C 00- 20962 ?

9. Coconspirators effort, described in the above paragraph, is an abhorrent exhibition of their moral turpitude and ***Unclean Hands***. Petitioner's guarantees in the Constitution, are abridged, in furtherance of Coconspirators adolescent "Fraternity like", avowed intent, to prevent Petitioner from recovering his $156 million investment, no matter what the cost. These behemoth law firms are scared to death of what will be discovered in a jury trial. That is an Overt act of a De facto government. It could rise to an act of *Treason*, by reason of the fact that, a jury trial, before an impartial tribunal, has been consistently illegitimately denied.

The above, is the true Statement of the Case. Respondents Brief in Opposition is no more than an adolescent exhibition of lies, told in panic, by the

"Fraternity Boys". It is a stereotyped example where "schoolyard bullies" go to their parent's friend, who happens to be the School Principal.

Fortunately, in adult life it is another RICO predicate act, in a series of such acts, devised by Gibson Dunn & Crutcher and the other Coconspirators. It is intolerable to our form of government. It borders on an act of *Treason* against the People of the United States, it's laws and this Democracy. An undesirable segment in our society, the "USA Lawyers Fraternity", has decided to establish a De facto government with the aid of their own kind, member lawyers appointed De facto judges.

Their unbridled, unfettered arrogance, in a proudly created monopoly, has usurped *de jure* Constitutional Democracy, from the People of the United States. They have replace our form of Government in favor of De facto institutions which serve their "fraternal need". Respondents and their Coconspirators, including De facto U.S. District Court Judge, Ronald M. Whyte, are thus on the brink of violating 18, USC Sect. 2381. Under Article III, Sec. 3, they have become the enemy of the People, who still are the Government in these United States.

Evidently, in this Case and perhaps in thousands of other cases, it has become more important for the "Lawyers Fraternity" to be the enemy of the People, than to service them under the law. In the event that public opinion continues to grow and the economy nose dives, it is probable that what is alleged here as just *racketeering activity*, shall become *Treason* under the law of this land.

Pursuant to violating the above Constitutional provisions, Ronald M. Whyte, in violation of his oath of office, could potentially be charged with *Treason*, under the circumstances.

The basis of criminal charges against Whyte, are the Declarations of Petitioner and his wife, Angela Naskar Wojciechowski, filed in the U. S. District Court, Case No. 00 20962, San Jose Div. N.D. CA, served on the Hon. John Ashcroft, Attorney General of the United States, on MAR 2, 2001, contained in "Exhibit G" attached to the Declaration of Christopher R.

Wojciechowski in support of:

"Plaintiff's Request for Leave of Court Before Entry of Judgment to file Motion [L.R. 7-9(a)(b)(3) for Reconsideration of Judge Whyte's Decision filed 02-22-01 etc."

Outline of Respondents - RICO Coconspirators False Statements in Opposition Brief:

On pg -i- the Question Presented contains false facts. Counsel is obviously ignorant of the facts surrounding the filing of the Petition. The falsity in the question is based on counsel's lack of information, with regard to the fact that there was a long period of time between the filing date and the acceptance of the Petition by the Court. In addition, the question alludes to the false fact that, Respondent's were not made aware of when Petitioner filed the Petition or it's Supplement. It was no surprise to Counsel that the Supplement was going to be filed. Counsel for Respondents should have alerted Respondents to be ready for the Supplement.

On pg. -ii- Counsel is attempting to falsely mislead the Court. The Caption on the Petition is clear, in that, the Case is:

CHRISTOPHER R. WOJCIECHOWSKI
Petitioner,

v.

WALT DISNEY CONCERT HALL NO. 1 et. al.
of which only - - - -, are Respondents.

Walt Disney Concert Hall No. 1, is a party to the bifurcated Order on Appeal, and it is one of Counsel's 14 clients listed as Respondents on Counsel's cap sheet. Incidentally, Walt Disney Concert Hall No. 1 and other Respondent clients of Counsel, are in Default, same as is Latham & Watkins etc. shown in Petition.

On pg. -iii- Counsel for Respondents, falsely asserts that, Case 00-70779 includes the parties Counsel identifies in Matter No. 3. Mandamus is against Coconspirator Whyte, only. All parties identified were served with a copy of 00-70779, including Counsel for Respondents.

On pg. -iv- Counsel for Respondents, falsely

states and misleads the Court that, Topanga Oaks, Inc. has no parent company. In fact, Topanga Oaks, Inc. is the only the General Partner of the Debtor Partnership, Montevideo Partnership aka Canyon Oaks Estates L.P. It has no other function but, to keep open, for no legitimate reason, Bankruptcy Case No.LA 89 27014 WL/ES and Adv. Cases 00-01935 & 00-02291 on Appeal in BAP Cases 00-3002; 00-1627, 00-1812 & Ninth Cir. Crt. of Appeals Docket No.00-56556, Related to 99 15135, presented here for consolidation.

In addition, Counsel for Respondents, failed to Certify, under penalty of perjury, the Corporate Disclosure Statement.

On. pg. 5 (at bottom) Reasons for Denying the Writ: are false, self-serving statements;

I. There is an extremely compelling reason for this Court to grant this Writ of Certiorari. It is, the issue of National Significance stated above. The preservation of Petitioner's Constitutional rights, to recover his $156 million investment, is significant.

II. CRW has not deprived Respondent's of procedural due process. As a matter of fact, in the record, Petitioner served Respondent's Counsel with three copies of Supplement, in booklet form, as is required, on the day that document was filed, 02-02-01. Respondent's Counsel had more than ample time.

III. pg. 3 Respondent's Counsel falsely states that Supplement contains misstatements of fact.

There is no misstatement of fact or law in the Supplement. Requested, relief cannot be granted to Respondents.

On pg. 1, Counsel for Respondents makes a false statement in "Matter No. 1." Respondents certainly are parties to a bifurcated decision in Case Cv 98 21139, where they are Defendants/ Appellees, in a RICO - CIVIL RIGHTS ACTION, not just a RICO Action.

"Matter No. 2." The Ninth Circuit did not dismiss the Appeal as untimely, Circuit Judges Canaby and Ferris denied Gibson, Dunn & Crutcher's Motion in that regard. Respondent's Counsel lies about that fact.
It is asserted that, Coconspirators Shaw and Mc Keown, were later told by attorneys at Gibson Dunn & Crutcher to put Petitioner into "double jeopardy", by

overriding the earlier decision of Canaby & Farris. That fact is in the Record on Appeal.

"Matter No. 3" same false statement by Counsel for Respondents as shown, *"On pg.-iii-"* above.

On pg. 3, Counsel for Respondents, makes a false statement regarding Jurisdiction. The Court has Jurisdiction as shown in Supplement and in Question No. 2 on pg -i- of this Reply Brief. Rule 12.4 holds the opposite of what Respondents Counsel lies about, new parties and subsequent decisions which: " ***involve identical and closely related questions, a single petition for a writ of certiorari covering all judgments suffices"***, Rule 12.4, gave Petitioner the right to file the Supplement.

On pg. 4, Counsel for Respondents, makes a false statement about the Statutes or Other Provisions involved, leaving out facts in paragraph above.

On. pg. 5, Counsel for Respondents, lies about the Statement of the Case see all above paragraphs in this *"Outline of Respondent - RICO Coconspirators False Statements in Opposition Brief"*.

Counsel for Respondent, lies in para. 3. That lie is that, on March 24, 2000, the Court of Appeals took Jurisdiction on Appeal, pursuant to Notice of Appeal timely filed on DEC 8, 1999 from the NOV 12, 1999 final Order of Coconspirator Whyte, when Circuit Judges Farris & Canaby denied Gibson Dunn & Crutcher's Motion to Dismiss Appeal. That Court determined that:

"Appellees' motion to dismiss this appeal for lack of jurisdiction are denied." see pg. 2, II. Statement of Jurisdiction in Appellant's/Petitioner's Opening Brief filed in the subject Docket No. 00-15135 on APR 8, 2000.

On pg. 6, Counsel for Respondents, attempts to mislead the Court about Matter No. 3 (see above),and also misleads the Court about 32 new respondents. He only represents 14 Respondents, not 32.

On pg. 7, in the second paragraph, Coconspirator Respondents make a false conclusory statement.

"The two decisions raised in the Supplement were correctly decided by the courts below." Based on the record and Petitioner's presentation of the facts above,

that is a lie.

At the end of the paragraph they falsely conclude:

"There is no conflict or any other basis for further review by this Court." The National Significance of the issues shown here, the record and the uncontroverted issue, that Petitioner has been defrauded of $156 million, makes that false statement a contemptible lie.

Counsel for Respondents totally disregards clear and convincing evidence and facts surrounding compelling issues presented.

The balance of Respondents Brief in Opposition, re hashes and expands on the false statements exposed above.

Argument & Reasons for Squelching Such Outlandish Disregard for the Court's Own Ability to Make up it's Mind About the Facts of the Conspiracy through which Coconspirators, so far, have Prevented Petitioner's Recovery of his $156 Million Investment

On pg. 4, of Respondent's Opposition papers, is an incomprehensible defiance of comprehending Court's Rules. Respondent's Counsel, quotes the Rule indicating how he is to file their Brief, under Rule 33.1. He and his clients certainly are not proceeding *in forma pauperis*. Non compliance with the "Booklet Format", required in Rule 33.1, is good cause to deny their Brief in Opposition, summarily.

Again, Counsel for Respondent's, misinterprets the Rules, by falsely claiming Rule 15.8 solely governs Petitioner's Supplement, when supplements are also clearly allowed by Rule 12.4, as quoted in *"Questions Presented"* (No. 2) and shown in *Statement of Jurisdiction*. That is another good cause to deny Respondents Brief in Opposition, summarily, see Board of License Comm'rs of Tiverton v.Pastore, 469 U.S. 238 (1985); also Fusari v. Steinberg, 419 U.S. 379. 391 (1975).

However, such a delay also *obstructs* and denies Justice for Petitioner.

Instead, Petitioner requests Relief by way of

having the Court issue remand to all Cases brought here, down to the impartial trial Court of the Hon. Jeremy Fogel, for the statutorily mandated jury trial, pursuant to 42 USC 1983, or full satisfaction of damages caused by Coconspirators, based on the following facts:

On FEB 2, 2001, Petitioner, requested of The Hon. John Ashcroft, Attorney General of the United States, to instigate, as soon as possible, the requested investigation under RICO, 18 USC Sect. 1961 (8), of Coconspirator Ronald M. Whyte

That request, of the Attorney General, was triggered by a series of recent filings, in Related Case 00 20962 and objections of Petitioner (Plaintiff as follows).

(a). Plaintiff's Objection & Opposition Papers to Coconspirators -Defendant: O'Melveny & Myers', Stuart P. Tobisman's; Warren Christopher's, UNCLEAN HANDS false filings in Notice of Motion & MOTION to Dismiss the FAC, against moving parties.

(b). Plaintiff's Objection & Opposition Papers to Coconspirators-Defendant: Arthur B. Cook's; Hill, Farrer & Burrill's and Scott L. Gilmore's, UNCLEAN HANDS false filings in Notice of Motion & MOTION to Dismiss the FAC, against moving parties.

(c). Plaintiff's Objection & Opposition Papers to Coconspirators -Defendant: Latham & Watkins', John F. ("Jack") Walker's, William J. Meeske's, UNCLEAN HANDS false filings in Notice of Motion & MOTION to Dismiss the FAC, against moving parties. (Including the accompanying three (3) Counter Motions, submitted with the Proposed Order & the three (3) Objections to the above parties Request for Judicial Notice's.

The Relief Requested of the Attorney General is that, Judge Ronald M. Whyte, be replaced by the Hon. Jeremy Fogel, to preside over this Case.

Judge Fogel was chosen, at random, pursuant to FRCP 3, and Local Rule 3.-2(e), 3.-3(a), to preside over the Original RICO - CIVIL RIGHTS ACTION, which is the subject of the Petition for Writ of Certiorari and Supplement.

The Grounds for Relief, requested of the Attorney General, are clearly shown in that document, a copy of

which shall. be made available to the Court, on request, or in the alternative, the Attorney Generals's office can supply a copy in Washington D.C., immediately.

CONCLUSION:

Based on the above facts, RICO & Civil Rights statutes, and Constitutional guarantees, afforded Petitioner, he hereby requests that this Court: (a). grant Certiorari on the merits; (b). under it's supervisory power, replace Coconspirator Whyte, henceforth, with the Hon. Jeremy Fogel, as the Presiding Judge; and (c). remand all consolidated cases in Petition and Supplement, for a Jury Trial, forthwith, to Judge Fogel.

In the alternative, based on the unlimited power of the Court evidenced in Bush v. Gore, Petitioner requests equal protection here, in that, the Court Order Respondents/Coconspirators, pay full satisfaction with prejudgment interest at the legal rate, up to the time the $156,377,480 investment is returned in full to Petitioner, plus all costs of suits and legal fees, under the Private Attorney General Doctrine. All to be paid no later than 10 days from entry of Order.

Petitioner, requests that the Attorney General of the United States, initiate the required RICO investigation against Ronald M. Whyte, as soon as possible.

Submitted on MAR 5, 2001, at Monterey, County California.

Christopher R. Wojciechowski. Petitioner
Private Attorney General, Pro Se